

WATER ENVIRONMENT AND WATER SERVICES (SCOTLAND) ACT 2003

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 1 – Protection of the water environment

Section 9 – Environmental objectives and programmes of measures

38. This section concerns the setting of environmental objectives for all the bodies of water within river basin districts. “Body of water” is defined in section 28. Subsection (1) places a duty on SEPA to set these objectives and to prepare a programme of measures to be applied to achieve these objectives. Subsection (2) requires SEPA to take account of the characterisation of the river basin district concerned carried out under section 5 when setting environmental objectives and preparing a programme of measures under section 9. Subsection (3) provides for derogations to the objectives to apply in certain circumstances.
39. Subsection (4) confers power on the Scottish Ministers to make, by regulations, further provision as to the setting of environmental objectives and the preparation of programmes of measures under section 9.
40. Subsection (5) specifies that any regulations under subsection (4) making provision about setting environmental objectives may in particular include provision as to:
- the types of environmental objective which may be set for particular descriptions of body of water,
 - the date and criteria by reference to which such objectives are to be set,
 - the methods and procedures to be followed in setting such objectives,
 - the dates by which such objectives are to be achieved; and
 - descriptions of bodies of water or circumstances in which such objectives are to apply with modifications.
41. Subsection (6) specifies that any regulations under subsection (4) making provision about programmes of measures may in particular include provision as to the types of measure which may be included in the programme of measures, the date by which the programme is to be prepared and the methods and procedures to be followed in preparing such a programme.
42. This section will enable the Scottish Ministers to implement the requirements of Article 4 of the Directive.